

## **REMARKS**

### **Status of the Claims**

Claim 1 has been amended by introducing the word "the" between "consisting of" and "sequences set forth".

Claim 2 has been deleted from the application.

Claim 5 has been amended by limiting the group of plant to alfalfa.

Claim 10 has been amended by limiting the transgenic expression of a foreign DNA of interest to leaves of the plant cells or plants.

According to the amendments introduced into claims 1, 5 and 10, Applicants believe that the expression of a foreign DNA of interest into plants or plant cells, now being limited to leaves, is in accordance with the state of the art, particularly with Oommenn et al. (1994, The Plant Cell, vol. 6: 1789-1803) cited in the Office Action dated June 3, 2003.

No new matter has been added with the amendment.

### **Objections to the Specification**

At page 2 of the office Action, the Examiner has objected to the Specification.

In the first and second lines of the specification, the sentence "this application is a continuation application of US serial number 09/678,303 filed on October 3, 2000" has been deleted. As a petition to revive the present application number 09/678,303 has been granted on June 6, 2002, paper number 8, it is respectfully submitted that the present application be prosecuted as such, and not as a continuation of a parent application.

It is respectfully submitted that the present amendment addresses the Examiner's objections. Accordingly, withdrawal of this objection is respectfully requested.

**Claim Rejections – 35 USC §112, second paragraph**

Claims 1, 2, 5, 9 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

It is respectfully submitted that the current claim amendments address this rejection. Withdrawal is respectfully requested.

**Claim Rejections – 35 USC §112, first paragraph**

The Examiner has rejected the specification under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected to make and/or use the invention.

A plurality of amendments were carried out in the specification by the Applicants to clarify and formalize the application.

In the paragraph bridging on line 30 of page 4 to line 9 of page 5, the disclosure was amended to replace the claim language, namely to replace the term "various" by "SEQ ID NO:2 and SEQ ID NO:3" which are described in the application and are two deletion fragments of "SEQ ID NO:1", the term SEQ ID NO:1 replaces the occurrence of "pGPlas3.2".

By limiting the deletion fragments to SEQ ID NO:2 and 3, which are fragments of SEQ ID NO:1, which themselves replaces the term pGPlas3.2, Applicants believe that the

specification is now in condition enabling someone skilled in the art to carry out the invention as claimed in claim 1, 5, 9 and 10. Claim 2 was deleted from the application. No new matter has been added.


### Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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